

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

HARRY A. CHURCH,

Plaintiff,

vs.

THE REDFLEX GROUP, INC.

Defendant.

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Case No. 2:11-cv-187

MOTION TO DISMISS

Comes the defendant Redflex Traffic Systems, Inc., sued as The Redflex Group, Inc. (“Redflex”), by counsel and pursuant to Fed. R. Civ. Pro. 12(b)(6), and moves the Court to dismiss the Complaint on the grounds that it fails to state a claim upon which relief may be granted. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S.Ct. 1955 (2007), *Streater v. Cox*, 336 Fed. Appx. 470, 474 (6th Cir. 2009). In particular, the Complaint fails to allege facts to support a claim of negligence nor does the Complaint allege facts necessary to state a claim for punitive damages. Because the Complaint makes only conclusory allegations as opposed to factual averments, dismissal is required under *Twombly* and *Ashcroft v. Iqbal*, 129 S. Ct. 1949-50 (2009).

WHEREFORE, the defendant moves the Court to grant dismissal pursuant to Fed. R. Civ. Pro. 12(b)(6). A memorandum in support is filed herewith.

Dated this 6th day of July, 2011.

/s/ Michael S. Kelley
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify at on July 6, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing by operation of the Court's electronic filing system to all parties registered to receive notifications electronically.

/s/ Michael S. Kelley